

UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )

v. )

Jose Guadalupe Flores-Bias, )

a.k.a.: Jose Flores-Bias, )

(A205 940 181) )

Defendant )

Case No. 17-9339 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 23, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Jose Guadalupe Flores-Bias, an alien, was found in the United States of America at or near Chandler, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Eagle Pass, Texas, on or about January 2, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Brandon Brown

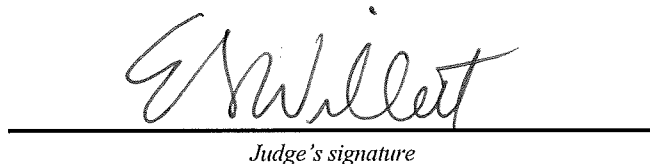
☒ Continued on the attached sheet.

  
Complainant's signature

Darrin J. McNeill,  
Deportation Officer  
Printed name and title

Sworn to before me and signed in my presence.

Date: August 25, 2017

  
Judge's signature

City and state: Phoenix, Arizona

Eileen S. Willett,  
United States Magistrate Judge  
Printed name and title

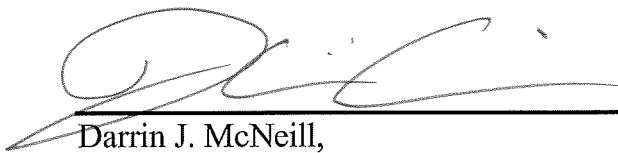
### **STATEMENT OF PROBABLE CAUSE**

I, Darrin J. McNeill, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On August 23, 2017, Jose Guadalupe Flores-Bias was arrested by the Chandler Police Department and booked into Chandler City Jail (CCJ) on local charges. While incarcerated at CCJ, Flores-Bias was examined by ICE Officer M. Harley who determined Flores-Bias to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the city jail. On August 24, 2017, Flores-Bias was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Flores-Bias was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Jose Guadalupe Flores-Bias to be a citizen of Mexico and a previously deported alien. Flores-Bias was removed from the United States to Mexico through Eagle Pass, Texas, on or about January 2, 2016, pursuant to the reinstatement of a removal order issued by an immigration official. There is no record of Flores-Bias in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland

Security to return to the United States after his removal. Flores-Bias' immigration history was matched to him by electronic fingerprint comparison.

4. On August 24, 2017, Jose Guadalupe Flores-Bias was advised of his constitutional rights. Flores-Bias freely and willingly acknowledged his rights and declined to make any further statements.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about August 23, 2017, Jose Guadalupe Flores-Bias, an alien, was found in the United States of America at or near Chandler, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States to Mexico through Eagle Pass, Texas, on or about January 2, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Darrin J. McNeill,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 25<sup>th</sup> day of August, 2017.



Eileen S. Willett,  
United States Magistrate Judge